

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chun He, et al.
Title: Compact wavelength multiplexer/demultiplexer and method for making the same
Serial No.: 10/618,272
Confirmation No.: 4842
Filing Date: 07/11/2003
Examiner: Ricky Levern Mack
Group Art Unit: 2873
Docket No.: 2107-26

May 31, 2006

Mail Stop: Restriction Requirement

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Response to Restriction Requirement

Dear Sir:

The Office Action dated 10/25/2005 was carefully reviewed. The Examiner classified the claims into two groups. The first group includes Claims 1, 3-8, 13 and 15-19 drawn to an embodiment shown in FIG. 3, referred to as Specie I. The second group includes Claims 9-12 drawn to an embodiment shown in FIG. 7, referred to as Specie II. In response to the Office Action, Applicants provisionally elect Claims 1, 3-8, 13 and 15-19 and provisionally submit that Claims 1, 3-8, 13 and 15-19 read on Species I defined by the Examiner on page 2 of the Office Action.

In accordance with 37C.F.R. §1.143, Applicant respectfully traverses the Examiner's restriction requirement for the reasons provided below. It is respectfully

submitted that the first group (Claims 1, 3-8, 13 and 15-19) and the second group (Claims 9-12) are neither independent nor distinct; or (2) search and examination of the entire application can be made without serious burden. MPEP §803.

All of the claims in the present application recite the same claimed invention, namely a new type of multiplexing/demultiplexing module configured for N channels and the method for the same. FIG. 3 shows one embodiment that uses only one concave mirror while FIG. 7 shows another embodiment that uses N concave mirrors. However, the Applicant respectfully submits Claim 1 covers both embodiments, respectfully, shown in FIG. 3 and FIG. 7. Claim 1 recites "*at least a concave mirror placed in such way that an incident traveling distance of a light beam to the concave mirror is equal or substantially similar to a reflective traveling distance of the light beam from the concave mirror*" which shall read on FIG. 7 as well.

The Applicants believe Claims 9-12 are narrower in a sense that it requires N concave mirrors. Claims 9-12 include most of the limitations, if not all, recited in Claim 1. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement.

Please contact the undersigned at (408)777-8873 should there be any question.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231", on June 1, 2006.

Signature: /s joe zheng s/
Joe Zheng

Respectfully Submitted,

/s joe zheng s/
Joe Zheng
Reg. No.: 39,450